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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/622,448 | WEISBUCH ET AL. | |
| | Examiner | Art Unit | |
| | Seokyun Moon | 2675 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 07/21/2003.
2. The allowed claim(s) is/are 1-9.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3-29-04
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Allowable Subject Matter

Claims 1-9 are allowed.

Regarding an independent claim 1, Liang et al. (U.S. Patent No. 6,795,229 B2, herein after referred to as "Liang") teaches an electronic display apparatus including two parallel surfaces wherein the space between the surfaces is filled by colored particles and is divided by orthogonal sidewalls.

Liang et al. (U.S. Pub. 2004/0263946 A9, herein after referred to as "Chung") discloses an electrophoretic display having two parallel layers wherein the space between the layers is filled by colored particles.

Daniel et al. (U.S. Pub. 2004/0119680 A1, herein after referred to as "Daniel") teaches an electrophoretic display media having a cell that includes colored particles and cell walls.

Kishi (U.S. Pub. 2003/0231162 A1, herein after referred to as "Kishi") includes a color electrophoretic display comprising a plurality of pixels, the pixels each contain at least two sets of drive electrodes and colored electrophoretic particles.

However, Liang, Chung, Daniel, and Kishi do not teach the particles to be dielectric and thus the particles are not aligned vertically between the electrodes on the top surface and the electrodes on the bottom surface when the voltages of opposed signs are applied to electrodes on the top and the bottom surface. And the non-dielectric particles are not aligned between the alternative electrodes on the top surface

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when the voltages of opposed signs are applied to the electrodes on the top surface and thus the color of the particles does not determine the color of the space as claimed.

The failure to include the particles to be dielectric leads to a failure to disclose the two operable modes of the electronic display apparatus as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seokyun Moon whose telephone number is (571) 272-5552. The examiner can normally be reached on Mon - Fri (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 14, 2005
SM


KENT CHANG
PRIMARY EXAMINER